

**UNITED STATES DISTRICT COURT
Western District of Texas
Austin Division**

KARIANNA THAYER

Plaintiff

v.

HUNTER WARFIELD INC

Defendant

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1:20-cv-00993

DEMAND FOR JURY TRIAL

ORIGINAL COMPLAINT

1. Plaintiff Karianna Thayer sues for claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*, and the Texas Debt Collection Act ("TDCA"), Tex. Fin. Code Chapter 392, to obtain statutory damages, injunctive relief, costs and a reasonable attorney's fee for the Defendant's violations of the FDCPA and the TDCA.

VENUE

2. Venue is proper in the United States District Court for the Western District of Texas, Austin Division, because the acts and transactions occurred in this district and because the Defendant transacts business in this district.

THE PARTIES

3. Plaintiff Karianna Thayer ("**Thayer**") is an individual who resides in Travis County, Texas.

4. Defendant Hunter Warfield, Inc. ("**Hunter Warfield**") may be served by serving its registered agent at the following address:

Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301

FACTUAL ALLEGATIONS

5. Thayer resides in Austin, Texas.
6. Thayer allegedly incurred a debt to a landlord for an apartment.
7. Thayer used the apartment as her residence.
8. Thayer did not pay the alleged debt.
9. The alleged debt went into default.
10. After default, the alleged debt was placed with Hunter Warfield for collection.
11. Hunter Warfield describes itself as providing "revenue recovery services."¹
12. Hunter Warfield is a member of the Association of Credit

¹ See www.hunterwarfield.com/about.aspx

and Collection Professionals.

13. Hunter Warfield has on file with the Texas Secretary of State a \$10,000 bond wherein Travelers Casualty and Surety Company of America is the surety and Hunter Warfield is the principal.

14. Hunter Warfield's surety bond from Travelers Casualty and Surety Company of America is bond number 7752241134TX.

15. Hunter Warfield has on file with the Texas Secretary of State an active surety bond that is required for a third-party debt collector to lawfully collect consumer debts in Texas.

16. Hunter Warfield tried to collect the alleged debt from Thayer.

17. Hunter Warfield reported information regarding the alleged debt to one or more credit bureaus.

18. Hunter Warfield reported to one or more credit bureaus that the debt related to an individual account.

19. Thayer retained counsel.

20. Thayer's counsel sent Hunter Warfield a letter disputing the amount of the alleged debt on August 14, 2020.

21. The August 14, 2020 was also a notice of inaccuracy.

22. The August 14, 2020 letter was sent via fax and email.

23. After August 14, 2020, Hunter Warfield reported credit information regarding Thayer's alleged debt to at least one credit reporting agency.

24. When Hunter Warfield communicated credit information regarding Thayer's alleged debt to one or more credit reporting agencies, it failed to communicate that the alleged debt was disputed.

25. The alleged debt is a "debt" as that term is defined by § 1692a(5) of the FDCPA.

26. The alleged debt is a "consumer debt" as that term is defined by § 392.001(2) of the TDCA.

27. Thayer is a "consumer" as that term is defined by § 1692a(3) of the FDCPA.

28. Thayer is a "consumer" as that term is defined by § 392.001(1) of the TDCA.

29. Hunter Warfield is a "debt collector" as defined by § 1692a(6) of the FDCPA.

30. Hunter Warfield is a "third-party debt collector" as defined by § 392.001(7) of the TDCA.

COUNT I. VIOLATION OF THE FDCPA § 1692e(8)

31. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.

32. Section 1692e(8) of the FDCPA states:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

[]

(8) Communicating or threatening to communicate to any person credit information which is known which should be known to be false, including the failure to communicate that a disputed debt is disputed.

33. Hunter Warfield violated § 1692e(8) of the FDCPA by communicating credit information to at least one credit reporting agency but failing to also communicate that the alleged debt was disputed.

COUNT II. VIOLATION OF TDCA § 392.202

34. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.

35. Hunter Warfield failed to cease collection activity until an investigation determined the accurate amount of the debt, if any.

COUNT III. VIOLATION OF TDCA § 392.301(a)(3)

36. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.

37. Section 301(a)(3) of the TDCA states:

In debt collection, a debt collector may not use threats, coercion, or attempts to coerce that employ any of the following practices:

[]

(3) representing or threatening to represent to any person other than the consumer that a consumer is wilfully refusing to pay a nondisputed consumer debt when the debt is in dispute and the consumer has notified in writing the debt collector of the dispute[.]

38. Hunter Warfield violated § 392.301(a)(3) of the TDCA by representing to at least one credit reporting agency that Thayer was willfully refusing to pay a nondisputed consumer debt when the alleged debt was in dispute and Thayer had notified Hunter Warfield in writing of the dispute.

REQUEST FOR RELIEF

39. Plaintiff requests this Court award her:

a. Statutory damages of \$1000 for Hunter Warfield's violations of the FDCPA;

- b. Statutory damages of not less than \$100 for each of Hunter Warfield's violations of the TDCA under TDCA § 392.403(e);
- c. Injunctive relief under TDCA § 392.403(a)(1);
- d. Costs; and
- e. A reasonable attorney's fee.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully Submitted,
By: s/Tyler Hickle
Plaintiff's Attorney

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